

COREY J. OSBORNE vs WAL-MART EAST  
HARRIS, SETH on 12/13/2021

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF VIRGINIA  
3                   LYNCHBURG DIVISION

4 -----

5 COREY J. OSBORNE,

6                   Plaintiff,

7            -vs-

Case No.: 6:20CV00079

8 WAL-MART EAST, LP, et al.,

9                   Defendants.

10 -----

11

12

13                   REMOTE VIDEOCONFERENCE DEPOSITION OF

14                   SETH HARRIS

15                   Monday, December 13, 2021

16                   10:04 a.m.

17                   Pages 1 - 60

18           Reported by: Tracy W. Koschara, Court Reporter

19

20

21

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1                   Remote videoconference deposition of SETH  
2 HARRIS taken by Tracy W. Koschara, eNotary Public in  
3 and for the Commonwealth of Virginia, taken pursuant  
4 to Notice, commencing at 10:04 a.m., December 13,  
5 2021.

6

7 REMOTE APPEARANCES:

8           ON BEHALF OF THE PLAINTIFF:

9                   M. PAUL VALOIS, ESQUIRE

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23           ALSO PRESENT:

24                   Judy Valois via Zoom

25

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**C O N T E N T S**

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**EXAMINATION OF SETH HARRIS** **PAGE**

**By Mr. Valois** **4**

**By Ms. Ingle** **55**

6

**E X H I B I T S**

**NO. DESCRIPTION PAGE**

**Exhibit 15 Job Description 25**

**Exhibit 2 AP-09 Policy 42**

**Exhibit 6 Disciplinary Policy 43**

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**REPORTER'S NOTE: Exhibits were marked out of  
order pursuant to Plaintiff's counsel's request.**

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1 P R O C E E D I N G S

2 SETH HARRIS,

3 having been duly sworn, testified as follows:

4 EXAMINATION BY COUNSEL FOR PLAINTIFF:

5 BY MR. VALOIS:

6 Q Sir, would you mind stating your full name,  
7 please?

8 A My name is Seth Randall Harris.

9 Q And you understand that you're here for a  
10 deposition today?

11 A Yes, sir.

12 Q Have you ever given a deposition before?

13 A Yes, sir.

14 Q And in what context? What kind of case was  
15 it?

16 A In times whenever I was in criminal  
17 proceedings as law enforcement, and then also as a  
18 witness for shoplifting prior in-operations for  
19 Wal-Mart.

20 Q All right. So you're no stranger to  
21 depositions, then?

22 A No, sir.

23 Q You do understand that you're under oath  
24 now?

25 A Yes.

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1 Q And you understand the significance of  
2 being under oath as you testify?

3 A Yes, sir.

4 Q All right. Are you ready to answer my  
5 questions today?

6 A Yes, sir.

7 Q I'm going to assume if I ask a question  
8 that you understand the question, unless you tell me  
9 differently?

10 A Yes, sir.

11 Q If you don't understand the question or if  
12 I phrase it in a confusing manner, please tell me so,  
13 and I will attempt to phrase it in a different manner  
14 so that you can answer the question.

15 A Yes, sir.

16 Q You understand that the case is being  
17 recorded by a court reporter?

18 A Yes, sir.

19 Q And I'll tell you that you're doing a  
20 better job than I do, but it's important that we take  
21 turns talking in order to let the court reporter get  
22 everything down.

23 A Yes, sir.

24 Q And so to that end, if you would allow me  
25 to finish asking my entire question, I will do my

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1 best to let you finish giving your complete answer.

2 Can we agree to that?

3 A Yes, sir.

4 Q All right. Are you under the influence of  
5 any medications or drugs or anything else that would  
6 affect your testimony?

7 A No, sir.

8 Q I don't know how long this deposition will  
9 take. I don't anticipate it will take extremely  
10 long, but if at any time during this deposition you  
11 need a break for any purpose, please just let me know  
12 and we will accommodate that request.

13 A Yes, sir.

14 Q During breaks, please understand you're not  
15 to discuss your testimony while you're on breaks.

16 A Yes, sir.

17 Q All right. Well, what did you do to  
18 prepare for this deposition?

19 A I reviewed any case files that I may have  
20 had as far as prior communication with anything with  
21 Mr. Osborne.

22 Q What in particular? Which files did you  
23 review?

24 A The e-mails that were discussing basically  
25 whenever we had legal documentation that was

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1 requested. Beyond that, I didn't have anything prior  
2 to the actual legal request that discussed  
3 Mr. Osborne at all.

4 A Have you reviewed any of the documents  
5 related to the incident that led to his termination?

6 A I reviewed witness statements.

7 Q All right. And are you aware that there  
8 was a video?

9 A Yes, I was.

10 Q Have you reviewed the video?

11 A I did not.

12 Q Have you spoken to anyone besides your  
13 attorney regarding this case?

14 A Other than the APASM that was --

15 Q Let's deal with those acronyms now because  
16 we want to get them out of the way. Can you please  
17 tell us what an APASM is?

18 A Other than the asset protection store  
19 manager that brought the issue during the time of  
20 questioning, I have not discussed the case with  
21 anybody else since the time of the incident.

22 Q And who is the APASM? What is the name of  
23 that person?

24 A That would be -- I'm drawing a blank here.  
25 It was in the store at the time. I will have to

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1 reference that.

2 Q Where are you physically located right now,  
3 sir?

4 A I'm at home at 1329 Johns Berry Court in  
5 Roanoke, Virginia.

6 Q And is there anyone there with you?

7 A My girlfriend is on the other side of the  
8 house.

9 Q All right. Are you in communication with  
10 anyone right now by text or social media app or  
11 anything like that?

12 A No. My phone is across the room.

13 Q Can we commit for the duration of this  
14 deposition to refrain from communicating with other  
15 people --

16 A Yes, sir.

17 Q -- about the subject matter here?

18 A Yes, sir.

19 Q Okay. Have you signed any agreements or  
20 any memorandum of understanding that would limit your  
21 ability to testify today?

22 A No.

23 Q Are you bound by any corporate policy in  
24 any way which would prevent you from fully and  
25 completely answering my questions today?



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1 A No.

2 Q Thank you.

3 All right. I'm going to talk a little bit  
4 about your background, if we could. How old are you,  
5 sir?

6 A I'm 39.

7 Q And when did you start working for  
8 Wal-Mart?

9 A This time around, I began in May of 2009.

10 Q Okay. So did you have more than one stint  
11 in Wal-Mart?

12 A Yes. Whenever I was in college, I was also  
13 employed with Wal-Mart as well.

14 Q Okay. So 2009 -- when did you graduate  
15 from high school?

16 A 2001.

17 Q And where did you go to high school?

18 A Mt. Vernon Senior High School in  
19 Mt. Vernon, Indiana.

20 Q And after high school did you go to  
21 college?

22 A Yes, I did.

23 Q And where did you go to college?

24 A University of Southern Indiana in  
25 Evansville, Indiana.

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1 Q And was it during this period that you  
2 worked at Wal-Mart?

3 A Yes, it was.

4 Q What was your position there during this  
5 period?

6 A I had two different positions. I started  
7 off as a sporting goods associate, and then began as  
8 a first-in-line trainee, basically an intern program.

9 Q All right. And this is while you were in  
10 college in Indiana?

11 A Yes, sir.

12 Q And did you obtain a degree?

13 A Yes, I did.

14 Q What year did you obtain your degree?

15 A 2007.

16 Q And what was your degree in?

17 A Business management with an emphasis in  
18 human resources and labor relations.

19 Q And were you an intern with Wal-Mart when  
20 you graduated?

21 A No, I was not.

22 Q Aside from Wal-Mart have you worked  
23 anywhere else?

24 A Yes.

25 Q Where else have you worked?

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1           A           I worked for Deaconess Hospital as  
2 security. I worked for the Department of Homeland  
3 Security as a board patrol agent.

4           Q           And where is Deaconess Hospital?

5           A           That is in Evansville, Indiana.

6           Q           How long did you work there?

7           A           I want to say approximately two years.

8           Q           And were you a security officer?

9           A           I was a board coordinator and security  
10 officer.

11          Q           Why did you leave that position?

12          A           I took a role with the Department of  
13 Homeland Security.

14          Q           And you worked for border protection?

15          A           Yes, sir, border patrol.

16          Q           And where was that? Was it the northern  
17 border or southern border?

18          A           Southern border in San Diego.

19          Q           What was your role then?

20          A           I was a border patrol agent.

21          Q           And were you assigned to any particular  
22 region?

23          A           Yes, the El Cajon sector.

24          Q           How long did you work there?

25          A           Two years.

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1 Q And why did you leave that position?

2 A An injury resulted in my inability to  
3 return to service.

4 Q Was it a work-related injury?

5 A Yes, it was.

6 Q Do you receive benefits because of that  
7 injury?

8 A I do not.

9 Q Do you have any lingering effects because  
10 of that injury?

11 A I do not.

12 Q And so after you left that position what  
13 did you do?

14 A I was unemployed for some time, and then I  
15 was offered and took a position back with Wal-Mart.

16 Q How long were you unemployed after leaving  
17 the border patrol?

18 A Roughly six months.

19 Q And when you hired back on with Wal-Mart,  
20 where were you hired?

21 A In Marshall, Illinois.

22 Q Is that close to where you grew up?

23 A It is about two hours away.

24 Q How did you end up in Marshall, Illinois?

25 A One of the individuals that was a manager

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1 whenever I was a trainee was a store manager up in  
2 that area, that whenever he found out that I was in  
3 need of employment, he reached out to me and offered  
4 a position.

5 Q Okay. And your initial position there was  
6 what?

7 A An overnight support manager.

8 Q How long did you hold that position?

9 A Roughly, ten months.

10 Q And what happened next? What was your next  
11 position at Wal-Mart?

12 A I went into store planning.

13 Q What does store planning mean?

14 A Basically a remodel team that traveled the  
15 country working on remodel or expansion or new store  
16 projects and setup.

17 Q All right. And so -- and then how long did  
18 you hold that position?

19 A About three years.

20 Q All right. So that takes us to about 2013?  
21 Is that about right?

22 A Yes, sir.

23 Q Where did you go from there?

24 A I went back into operations as an assistant  
25 store manager.

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1 Q And where was that?

2 A That was in Urbana, Illinois.

3 Q How long were you an assistant store

4 manager?

5 A For a year.

6 Q And so then where?

7 A I became a co-manager in Evansville,

8 Indiana.

9 Q Co-manager is a step up from assistant

10 manager?

11 A Correct, sir.

12 Q Okay. And how long did you hold that

13 position?

14 A Roughly 15, 16 months.

15 Q All right. And then what?

16 A And then onto -- as a market human resource

17 manager.

18 Q Is that your current position now?

19 A Our role was converted about a year and a

20 half ago to market people operations lead.

21 Q Are the duties the same or do you get --

22 did you pick up more work?

23 A We essentially picked up more work to be in

24 more alignment with operational functions.

25 Q So in your current role -- in your current

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1 role, are you still -- you said people relationship  
2 manager; is that what you said?

3 A People operations lead.

4 Q Operations lead, I'm sorry, is it still a  
5 human resources-type function?

6 A I would say it's more people-focused, but  
7 more along the lines of staffing and --

8

9 (Remote transmission interruption)

10 (Recess, 10:17 a.m. to 10:40 a.m.)

11

12 MR. VALOIS: Let's go ahead and strike that  
13 question and partial answer and I will reask it. We  
14 are back on the record.

15 BY MR. VALOIS:

16 Q Mr. Harris, some of your answer was  
17 truncated, so I'm going to start with a new question;  
18 all right?

19 A Yes, sir.

20 Q Your newest title -- up until now, I've  
21 kind of been going forward in time, but now I'm kind  
22 of going to go backward in time. Your newest  
23 position is a people operations lead?

24 A Yes, sir.

25 Q Is that right?

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1           A           (Indicating in the affirmative).

2           Q           And you said that that involves more than  
3 just HR; is that right?

4           A           Yes, sir.

5           Q           Can you tell me what it involves?

6           A           Our position is more centrally focused on  
7 staffing, on training and on development and  
8 implementation of new positions, rather than -- I  
9 would say more of the generalist HR positions such as  
10 benefits, employment decisions, things of that  
11 nature. And we've kind of moved into a more tactical  
12 standpoint.

13          Q           Is it fair to characterize that as more of  
14 a planning-type thing than an operational-type thing?

15          A           I think the company would like to see it as  
16 both.

17          Q           Okay. But prior to that, you were a human  
18 resources manager?

19          A           That's correct.

20          Q           And is that a regional position?

21          A           It is a market-level position, sir.

22          Q           Can you describe what "market-level" means?

23          A           Starting from the store level, the stores  
24 are grouped into markets which are in a geographical  
25 location, and those markets normally consisted of



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1 anywhere from 6 to roughly 12 stores, I do believe.

2 Those markets are then grouped into a larger  
3 geographical area and into regional and so on and so  
4 forth. But a market is normally made up of 6 to 12  
5 stores in a geographic area.

6 Q Okay. So kind of like a sub-region?

7 A Yes, sir.

8 Q So in your capacity, you had -- you were  
9 the human resources manager for 6 to 12 stores?

10 A At that period, it depends. I've had  
11 single and dual markets throughout my position as  
12 both a market human resource manager and a market  
13 people ops.

14 Q What is the difference between a single and  
15 a dual position?

16 A Having more than one market.

17 Q Okay. So there were periods where you  
18 managed one market and then there were periods where  
19 you managed human resources for more than one; is  
20 that right?

21 A Yes, sir.

22 Q And depending on the period of time the  
23 markets may be of a different store alignment. It  
24 may be a totally different market altogether,  
25 depending on whenever the coverage would call for it

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1 at the time.

2 Q How many employees does the average  
3 Wal-Mart have?

4 A Just on a brief estimate, I would say 200,  
5 maybe.

6 Q So if a market has 6 to 12, that's an  
7 average of about 8; right?

8 A I would say that's typical, yes, sir.

9 Q And 280, you said, employees per store?

10 A Yes, sir.

11 Q So that would mean that you are managing  
12 human resources for 1300 people, approximately; is  
13 that right?

14 A I would say the majority of my period of  
15 time in coverage, it would also be double markets, so  
16 more along the lines of my head count is normally  
17 above 3,000.

18 Q All right. And so in your capacity, do you  
19 do -- were you involved in hiring at all?

20 A For salary level and above.

21 Q And were you involved in employee  
22 grievances at all?

23 MS. INGLE: Object to the form.

24 THE WITNESS: If an associate had a concern  
25 and discussed it with their supervisors and the store

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1 manager, then the market would do a review upon the  
2 associate's request.

3 BY MR. VALOIS:

4 Q All right. And were you involved in, I  
5 guess, routine discipline?

6 A Routine discipline, I would say no. Only  
7 things that were either employment impacting to the  
8 point where somebody may lose their position or a  
9 multiple-level disciplinary action or circumstances  
10 that were unfamiliar with the management team, but  
11 not typical day-to-day routines of disciplinary  
12 actions or just overall oversight.

13 So, for instance, if attendance of an  
14 associate wasn't showing up for work, that's fairly  
15 typical that we see. That would be almost fully to  
16 the store's discretion because it doesn't have  
17 anything out of the ordinary along those lines.

18 Q Okay. And who do you report to at  
19 Wal-Mart?

20 A I report to a regional people operations  
21 director.

22 Q Who is that person?

23 A Currently, it is Kirsten Frey, F-R-E-Y.

24 Q Who was it back in May of 2020 when this  
25 incident took place?

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1           A           That would have been -- we did not have a  
2 supervisor at that time.

3           Q           And as of -- as a market human resources  
4 manager, did you have subordinates, people that  
5 answered to you?

6           A           No, no direct reports.

7           Q           Okay. And what was your salary?

8           A           My salary at the time currently or --

9           Q           At the time in May of 2020.

10                   MS. INGLE: Objection to relevance.

11 BY MR. VALOIS:

12           Q           You can answer.

13           A           I would have to make an estimate, but I  
14 couldn't give you an exact figure.

15           Q           Well, give me your best estimate.

16           A           I would say around 80,000.

17           Q           All right. And have you been involved in  
18 EEO complaints before this one?

19           A           Yes.

20           Q           Have you ever been named as a responsible  
21 management official in an EEOC complaint before?

22           A           No.

23                   MS. INGLE: Objection to form.

24 BY MR. VALOIS:

25           Q           Do you know what a responsible management

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1 official is in the context of an EEOC complaint?

2 A Yes.

3 Q And with that understanding, have you ever  
4 been named a responsible management official in an  
5 EEO complaint by an employee of Wal-Mart?

6 A No.

7 Q Have you ever met Corey Osborne?

8 A I have not. Not to my recollection, I have  
9 not met him before.

10 Q You're aware that he was employed at the  
11 Wal-Mart on Wards Road?

12 A Yes.

13 Q In Lynchburg?

14 A Yes, correct.

15 Q And at the time, that was within your  
16 purview as market resources manager?

17 A Yes, sir.

18 Q And so those employees came under your  
19 auspices; right?

20 A Yes, sir.

21 Q Have you ever been to that store?

22 A Yes, I have.

23 Q Had you been to that store on or before  
24 May 9th of 2020?

25 A Yes, sir.

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1 Q In your role as market human resources  
2 manager, how much time did you spend actually in  
3 stores versus in the office?

4 A I would say 60 to 70 percent of the time.

5 Q 60 to 70 percent of the time in stores or  
6 in the office?

7 A We are -- we actually office in the stores.

8 Q I'm sorry?

9 A We office in the stores.

10 Q So you don't have, like, a home office?

11 A We have a market office, but it is in a  
12 store as well.

13 Q What store was that located in?

14 A At the time, it was -- that store where we  
15 had the market office was located in Staunton,  
16 Virginia.

17 Q Do you know Corey Osborne's race?

18 A I do not.

19 Q Did you review his personnel file before  
20 making the termination decision?

21 A I did not.

22 Q You have reviewed the witness statements,  
23 however?

24 A Yes.

25 Q At this point I'm going to try and put

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1 Mr. Osborne's job description on the screen. Okay.

2 If you could just give me a second to do that. I'm  
3 having technology issues. Can you see anything on  
4 the screen?

5 A Yes, sir. I see it now.

6 MR. VALOIS: For the record, this is a  
7 document that's been provided in discovery beginning  
8 with Bates number WM-Osborne 000036.

9 BY MR. VALOIS:

10 Q Sir, can you look at this document and --  
11 just the top of this document, and tell me what this  
12 document is.

13 A This is a Wal-mart job description for an  
14 asset protection associate as it pertains to, I would  
15 say the vast majority but not necessarily all asset  
16 protection associates at the time whenever this  
17 essential function job description was created by the  
18 company.

19 Q And Corey Osborne was, in fact, an asset  
20 protection associate; correct?

21 A Yes, sir.

22 Q And this document is provided to employees  
23 when they are hired; correct?

24 A Correct.

25 Q And employees are expected to perform the

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1 essential functions of the position using this  
2 description as guidance; is that correct?

3 A Yes, sir.

4 Q We see after the official functions -- and  
5 I'm not going to labor with you reading all of these  
6 verbatim. We don't want to be here all day. I'm  
7 going to ask you just to read them yourself and tell  
8 me when you're finished reading them if there is  
9 anything in there that you disagree with or you think  
10 is incorrect. Just the section underneath essential  
11 functions for now.

12 A Yes.

13 MR. VALOIS: Madam court reporter, while  
14 he's doing that, I am going to offer this -- I have  
15 labeled it as Exhibit 15.

16 THE REPORTER: Yes, sir. Do you want me to  
17 call it Exhibit 1?

18 MR. VALOIS: Whatever is easier for you.

19 THE WITNESS: To the best of my  
20 recollection, this is all within the guidelines. To  
21 the best of my recollection, this is in all order,  
22 yes, sir.

23 MR. VALOIS: All right. And, Madam Court  
24 Reporter, I have gone through my list of questions  
25 using the exhibit numbers as I've labeled them. If



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1 it's easier for me to call it Exhibit 1, that's fine,  
2 but if we could just leave it Exhibit 15 and take  
3 them out of order, I think that might be the easiest  
4 way.

5 THE REPORTER: Yes.

6

7 (Harris Deposition Exhibit Number 15 was  
8 marked for identification)

9

10 BY MR. VALOIS:

11 Q Sir, could you go down next and do the same  
12 thing for the section called "Comptencies." Just  
13 read through those and see if there's anything that  
14 you disagree with in that list of "Competencies."

15 A Everything seems to be in order with the  
16 "Competencies" area as well, sir.

17 Q All right. Very good.

18 Moving down to the next section, "Physical  
19 Activities." There are only two sentences there. Do  
20 they look okay?

21 A Yes, sir.

22 Q Anything you disagree with there?

23 A No, sir.

24 Q Oh, I'm sorry, there are some more  
25 "Physical Activities" that continue on the next page.

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1 Can you look through those and make sure that you  
2 agree with all those requirements?

3 A Yes, sir.

4 Q Is there anything that you disagree with  
5 there?

6 A No, sir. It is all in order.

7 Q And moving on, we have "Work Environment,"  
8 two sentences there, can you read those and tell me  
9 whether you agree with those?

10 A I agree with those, sir.

11 Q And the last one "Entry Requirements," any  
12 problem with those sentences there?

13 A No, sir.

14 Q All right. And finally, there appears to  
15 be a place where an employee has to acknowledge this.  
16 You can see in this particular exhibit, that is blank  
17 and unacknowledged; is that correct?

18 A Yes, sir.

19 Q There we go. Okay. I'm going to go back  
20 and get to this one. Let me see. And so who  
21 investigated the report of the incident that was  
22 alleged to have occurred on May 9th of 2020 that  
23 resulted in Mr. Osborne's termination?

24 A That would be the asset protection  
25 assistant store manager at the time.

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1 Q Who is that?

2 A Once again, I would need to reference the  
3 listing in order to bring up that individual's name.

4 Q But you made the decision to terminate?

5 A I made the recommendation, yes.

6 Q Who made the decision? Ultimately, whose  
7 decision was it?

8 A Well, the decision is because since the  
9 termination is actually taken care of by the direct  
10 supervisor, the direct supervisor would be the one to  
11 make the decision in order to carry it out.

12 Recommendations are obviously going to be highly  
13 weighted, but our job is to advise, and then our  
14 recommendation can either be pushed back and if the  
15 operator disagrees or the supervisor disagrees.

16 Q So is it my understanding that you made a  
17 recommendation to Mr. Osborne's direct supervisor?

18 A Yes.

19 Q And it was the direct supervisor's decision  
20 to terminate?

21 A It would actually be the facility manager  
22 under these circumstances.

23 Q I'm sorry, who is the facility manager?

24 A That would have been Ryan Fisher at the  
25 time.

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1 Q And a facility manager, is that different  
2 than the store manager?

3 A No.

4 Q Is that synonymous with the term "store  
5 manager"?

6 A Yes, sir.

7 Q If someone walked in the door to the  
8 Wal-Mart and asked to speak to the store manager, it  
9 would be Mr. Fisher that they would be talking about?

10 A Yes, sir.

11 Q So you advised Mr. Fisher, and Mr. Fisher  
12 made the decision?

13 MS. INGLE: Objection, mischaracterizes  
14 testimony.

15 THE WITNESS: Yes.

16 MR. VALOIS: I'm sorry, I couldn't hear the  
17 objection.

18 MS. INGLE: I said, "Objection,  
19 mischaracterizes previous testimony.

20 MR. VALOIS: Oh, well, I don't want to do  
21 that.

22 BY MR. VALOIS:

23 Q So who did you give advice to?

24 A The asset protection store manager.

25 Q And you don't remember that person's name?

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1           A           I do not recall at this time.

2           Q           But when you gave advice to that person,  
3 was it your understanding that Mr. Fisher would be  
4 the one who ultimately made the termination decision?

5           A           The information would be routed to him,  
6 yes.

7           Q           And you knew that at the time you made your  
8 recommendation?

9           A           Yes, sir.

10          Q           And that would be the standard procedure  
11 within Wal-Mart at that time?

12          A           Yes.

13          Q           And how were you advised of this situation  
14 to begin with?

15          A           The assistant -- the asset protection  
16 assistant store manager actually brought it to my  
17 attention verbally while I was in the store  
18 physically officing for the day.

19          Q           I'm sorry, what?

20          A           Officing for the day. I was operating in  
21 an administrative function in an office during that  
22 day.

23          Q           An office at the Lynchburg store on Wards  
24 Road?

25          A           Yes, sir.

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1 Q When you're officing, is that like a  
2 (inaudible) desk arrangement?

3 A Yes.

4 Q And so you were approached initially by the  
5 person whose name you don't remember right now?

6 A Correct.

7 Q Okay. And had a verbal conversation?

8 A Yes.

9 Q When did this verbal conversation occur?

10 A I can't remember the exact date.

11 Q Are these the kinds of things that should  
12 have been documented in the employee's personnel  
13 file?

14 A Not necessarily.

15 Q Is there a policy of not -- what should be  
16 documented in an employee's file when there are  
17 allegations of misconduct?

18 A Not in this case, I don't believe so.

19 Q Is there a general policy at Wal-mart that  
20 governs -- on May 20th of 2020, was there a policy  
21 that in general governed what should happen when an  
22 allegation of misconduct was made as to  
23 documentation?

24 MS. INGLE: Objection to form.

25 THE WITNESS: Not to my knowledge.

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1 BY MR. VALOIS:

2 Q So what was the substance of this  
3 communication from this assistant asset protection  
4 person?

5 A Essentially stating the fact that he  
6 believed that there was a policy violation on a bad  
7 stop that he was looking into and was looking to get  
8 a recommendation on what disciplinary actions may  
9 come of the bad stop.

10 At that point I told him to go get the  
11 normally requested information and to complete his  
12 investigation prior to receiving a recommendation,  
13 and at that point he left, completed his  
14 investigation and then returned with statements and  
15 information that he received from reviewing footage  
16 on videotape.

17 Q And then, did you have any more  
18 communication with him after that?

19 A I made the recommendation to  
20 terminate and --

21 Q Well, let me rephrase. That was maybe  
22 confusing. You had this initial verbal  
23 communication?

24 A Right.

25 Q You told him to go get more information and

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1 to conduct the proper investigation; is that right?

2 A Essentially. I sent him to conduct the  
3 investigation; that way, I could make a  
4 recommendation based on that information.

5 Q Right. And then was there -- after that  
6 initial verbal communicatin, was there any other  
7 communication with this individual?

8 A No.

9 Q Well -- but, you ended up making a  
10 recommendation; correct?

11 A Right. Once he returned with the  
12 investigation that was completed --

13 Q That's what I'm asking you about. But how  
14 did he return with the investigation?

15 A Verbal, same thing --

16 MS. INGLE: Objection, argumentative.

17 MR. VALOIS: I'm sorry?

18 MS. INGLE: I said "Objection,  
19 argumentative." Let him answer the question.

20 BY MR. VALOIS:

21 Q Okay. So after -- let me rephrase the  
22 question.

23 So, Mr. Harris, you had an initial verbal  
24 communication?

25 A Right.



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1 Q And then you asked him to go acquire more  
2 information?

3 A Yes, sir.

4 Q And then did you have any subsequent  
5 communication with him?

6 A Yes. He returned with his completed  
7 investigation.

8 Q Was this on the same day?

9 A Yes, it was, sir.

10 Q All right. And although you don't remember  
11 the day, you're certain it was the same day; is that  
12 correct?

13 A Yes, sir.

14 Q Did you have any other communication with  
15 anyone before you made your recommendation?

16 A No, sir.

17 Q Okay. Did you receive any copies of the  
18 witness statements before you made your  
19 recommendation?

20 A Yes. I received physical copies.

21 Q How were those provided to you?

22 A By the assistant -- by the asset protection  
23 assistant store manager.

24 Q In person?

25 A Yes.

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1 Q He just handed them to you?

2 A Yes.

3 Q When you reviewed them, did you review them  
4 with him present?

5 A Yes.

6 Q When I say "him," I'm jumping to a  
7 conclusion, a sexist conclusion. I apologize.

8 The assistant asset management protection  
9 officer, do you remember whether it was a male or  
10 female?

11 A Male.

12 Q Okay. So did you review that information  
13 with him?

14 A Yes.

15 Q All right. And did you -- you made your  
16 recommendation on the spot right there?

17 A Yes.

18 Q Was there anyone else present at this time  
19 when you made your recommendation?

20 A I do not recall.

21 Q And it was your understanding that this  
22 asset protection manager would relay your  
23 recommendation to Mr. Fisher for a final  
24 determination?

25 A Yes.

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1 Q Did you consult with anyone else prior to  
2 making this recommendation?

3 A No.

4 Q And essentially the recommendation was  
5 based on a violation of a specific Wal-Mart policy;  
6 is that correct?

7 A Yes, sir.

8 Q And that policy is an asset protection  
9 policy?

10 A Yes, sir.

11 Q And it's called AP-09. Are you familiar  
12 with that policy?

13 A I am, sir.

14 Q And that's the policy that Mr. Osborne was  
15 alleged to have violated?

16 A Yes, sir.

17 Q And so -- well, I hate to do this to you,  
18 but I'm going to have to put this one on the screen,  
19 too. Give me just a second, please.

20 All right. Mr. Harris, do you see  
21 something that popped up on your screen?

22 A Yes, sir.

23 Q Can you tell us what the title of that  
24 document is?

25 A It's the "Investigation and Detention of

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1 Shoplifters Policy."

2 Q And is this the policy -- what does this  
3 policy do? Let me ask you that. What is its intent?

4 A So the AP-09 policy is a general,  
5 all-purpose asset protection policy for Wal-Mart.

6 Q All right. And what guidance does it give  
7 to employees?

8 A It gives guidance in multiple different  
9 ways. As far as investigations, this one states  
10 clearly, investigation detention of shoplifters, but  
11 also gets into things such as insider trading,  
12 ethics, violations, things along those guidelines.  
13 It a very large policy within the company that  
14 involves anything that would basically pertain to  
15 anything of worth within the company.

16 Q Right. So it covers all kinds of stuff.  
17 It covers, you know, fraudulent uses of debit cards,  
18 merchandise going out the backdoor, a lot of things  
19 that aren't really relevant to this case; right?

20 A Correct, sir.

21 Q With regard to the allegations in this  
22 case, it also covers surveillance, pursuit,  
23 apprehension and detention of suspected shoplifters;  
24 is that correct?

25 A Yes, sir.

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1 Q And in that role, that's the guidance that  
2 Corey Osborne would be expected to follow if he were  
3 pursuing a suspected shoplifter; is that correct?

4 A Correct, sir.

5 Q And you would agree that this policy  
6 doesn't cover every interaction between Wal-Mart  
7 employees and their customers?

8 A Correct, sir.

9 Q For example, I mean, there's nothing  
10 stopping a Wal-mart employee from approaching a  
11 customer to say "good morning"?

12 A Correct, sir.

13 Q Or for a Wal-mart employee to follow a  
14 child that appears to be lost around the store to  
15 make sure the child is okay?

16 A Correct, sir.

17 Q Or to follow a customer into the parking  
18 lot if the customer left her purse on the counter --  
19 and forgotten her purse and walked out to the parking  
20 lot? There's nothing stopping the Wal-Mart employee  
21 from taking her purse to the customer in the parking  
22 lot?

23 A Not specifically in this policy, no, sir.

24 Q I mean, that would not fall under AP-09.  
25 AP-09 only applies to --

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1 MS. INGLE: Calls for speculation. The  
2 attorney can't testify.

3 BY MR. VALOIS:

4 Q And AP-09 only calls for dealing with  
5 suspected shoplifters; is that correct?

6 MS. INGLE: Objection, it mischaracterizes  
7 previous testimony as well.

8 BY MR. VALOIS:

9 Q The provisions of AP-09 that deal with the  
10 pursuit -- surveillance, pursuit, apprehension and  
11 detention of suspected shoplifters only apply to  
12 suspected shoplifters; is that correct?

13 A Correct, sir.

14 Q All right. And so conversely --

15 MS. INGLE: My objection still stands.  
16 This is mischaracterizing previous testimony. The  
17 witness previously testified this called for insider  
18 trading which is not shoplifting.

19 MR. VALOIS: Well, again, I'll rephrase the  
20 question again.

21 BY MR. VALOIS:

22 Q With regard to the specific provisions  
23 inside Wal-Mart Policy AP-09 that pertain to the  
24 manner in which Wal-Mart associates surveil, pursue  
25 apprehend and detain suspected shoplifters, those

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1 provisions only apply to suspected shoplifters;

2 correct?

3 A Correct.

4 Q All right. So, Mr. Harris, I'm going to  
5 ask you to look at where it says, "make safety a  
6 priority on this policy." Do you see that, where I'm  
7 going up and down right now?

8 A Yes, sir.

9 Q All right. Rather than read all this into  
10 the record, all right, I'm going to ask you to  
11 carefully read each of those bulleted sentences. And  
12 what I'm going to ask you at the end of that to do is  
13 to tell me if at the time you made your  
14 recommendation you had any information that  
15 Mr. Osborne had violated any of those bulleted  
16 sentences.

17 A There are two bullet points I see here that  
18 would have been violated on the information that I  
19 was given at the time.

20 Q Can you look at the first point and tell me  
21 which of those bullets it is? Start at the top and  
22 count down and tell me which one it is, please.

23 A It would be the sixth and seventh.

24 Q All right. The sixth would be -- can you  
25 read the sixth one, please?

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1           A           Yes. "Never pat down, frisk or search a  
2 subject or a subject's belonging; example, purses or  
3 bags."

4           Q           So let's go with that. Did you have -- had  
5 you received any information at the time you made  
6 your recommendation to terminate Mr. Osborne that he  
7 had patted down anyone?

8           A           No.

9           Q           Had you received any information at that  
10 time that he had frisked anyone?

11          A           No.

12          Q           Had you received any information at that  
13 time that he had searched anyone?

14          A           No.

15          Q           Had you received any information at the  
16 time that he had searched a suspect's belongings?

17          A           Yes.

18          Q           Which belongings had you received  
19 information that he had searched?

20          A           The customer's vehicle.

21          Q           And who told you that Mr. Osborne had  
22 searched the customer's vehicle?

23          A           The asset protection assistant store  
24 manager.

25          Q           And what did the asset protection --



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1 assistant asset protection store manager tell you  
2 Mr. Osborne had done during the course of that  
3 search?

4 A He had looked through the vehicle.

5 Q In what manner?

6 A In a manner beyond visual, actually  
7 physically moved items in the vehicle.

8 Q And you said the next bulleted point is in  
9 number 7., "Never pursue a fleeing suspect."  
10 Correct?

11 A Correct.

12 Q All right. What evidence did you have that  
13 Corey Osborne had pursued a fleeing suspect?

14 A He had passed through the threshold, last  
15 threshold of the building in pursuit of what he  
16 believed somebody that was being investigated for  
17 shoplifting.

18 Q So the act of leaving the building to  
19 pursue a suspect is the violation of that policy?

20 A Correct.

21 Q And you had received a report from the same  
22 person that Mr. Osborne had left the building to  
23 pursue that suspect?

24 A Correct.

25 Q I'm just going to -- Mr. Harris, I'm going

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1 to scroll down through the rest of this thing myself  
2 just to see if I need to ask you anything else. I  
3 don't think so, but I'm just going to run through  
4 this thing to make sure.

5 A Yes, sir.

6 Q I think I'm done with this one for now.  
7 I'm going to stop sharing. Are we back?

8 A Yes, sir.

9 Q All right. Very good.  
10 Now, Wal-Mart also has disciplinary  
11 policies; is that correct?

12 A That is correct, sir.

13 Q And I'm going to go ahead -- and might as  
14 well get it out of the way.

15 MS. INGLE:

16 MR. VALOIS: Oh, I'm sorry, Madam Court  
17 Reporter, can we admit that AP-09 that I just  
18 displayed at Exhibit Number 2, please.

19

20 (Harris Deposition Exhibit Number 2 was  
21 marked for identification)

22

23 MR. VALOIS: I am now going to show Exhibit  
24 6, which is the Wal-Mart disciplinary policy. I'm  
25 going to attempt to show that now. Okay.

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2 (Harris Deposition Exhibit Number 6 was  
3 marked for identification)

4

5 BY MR. VALOIS:

6 Q Can you see that one?

7 A Yes, sir.

8 Q So this is the -- can you describe what  
9 this document is, please?

10 A It is the disciplinary action policy for  
11 how to essentially conduct or navigate disciplinary  
12 actions for any sort of infraction most typically  
13 being policy or process and procedure.

14 Q All right. Well, is it fair to say -- let  
15 me phrase the question a little bit more artfully.  
16 Is it fair to say that there are two disciplinary  
17 policy documents; one, this one for the employees,  
18 and then management guidelines for managers to use  
19 when giving discipline?

20 A Typically, yes, I would say that is  
21 something you would see.

22 Q And this is the one that tells employees --  
23 this is the guidance for employees; is that correct?

24 A To my knowledge, yes, sir.

25 Q Well, look at the first sentence down there

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1 and see. Read that first sentence and make sure you  
2 agree with that statement that this is the one for  
3 employees.

4 A Yes, sir, to my knowledge.

5 Q All right. What I'm going to do is, I'm  
6 going to ask you to read through this document.

7 Well, let me ask you, before I do this: Are you  
8 familiar with this document?

9 A Yes, maybe not as it stands currently, as  
10 the policies are updated fairly frequently.  
11 Normally, if I'm doing a policy review, I will always  
12 bring it up each time that it may come into fruition  
13 for me to be able to use it, as the policies are  
14 updated very frequently. So even if I made a  
15 decision from the previous day, I might look it up  
16 again today.

17 Q Okay. That's a good point, and an  
18 important one. Thank you.

19 MR. VALOIS: And for the record, we are  
20 looking at a document that's been provided in  
21 discovery to us by Wal-Mart marked WM-Osborne,  
22 O-S-B-O-R-N-E, 0000055. And this is a policy that is  
23 dated April 1, 2019. And it has been provided to us  
24 as the policy that was in force on May 9th of 2020.  
25 BY MR. VALOIS:

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1 Q Does that sound reasonable to you, sir?

2 A Yes, sir.

3 Q Okay. What I'm going to ask you to do,  
4 here Mr. Harris, you don't happen to have a copy you  
5 can put your hands on independently, do you?

6 A If it is a prior policy, then I do not have  
7 it.

8 Q All right. Well, then we are going to have  
9 to do it the hard way. What I'm going to do is I'm  
10 going to leave this screen up, and I'm going to ask  
11 you to read this portion carefully. When you get to  
12 the bottom, let me know, and I'm going to put it to  
13 the next portion, and I want you to read this whole  
14 document carefully. And take as much time as you  
15 need, please; okay?

16 A Yes, sir.

17 Q But just read this part, and let me know  
18 when you're finished with it, and then I'll move on  
19 to the next part.

20 A Yes, sir.

21 Q Are you done?

22 A Yes, sir.

23 Q I will scroll it up and start at the next  
24 part. Can you read that part and tell me when you  
25 have completed reading that part?

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1           A           Yes, sir.

2           Q           Yes, sir.

3           Q           All right. Let me know when are you done

4 reading this one?

5           A           Yes, sir.

6           Q           Okay. This section, same thing.

7           A           I have completed that, sir.

8           Q           All right. We will do one more.

9           A           I have completed that, sir.

10          Q           That one.

11          A           I have complete it, sir.

12          Q           Next one.

13          A           I've completed that, sir.

14          Q           I think this is it. I think we're at the

15 end, but let's make sure. Let me know when you are

16 done reading that section, and I will go to the last

17 bit, but I think it's blank.

18          A           I'm done reading that.

19          Q           Having read all that, Mr. Osborne, I mean,

20 you would agree that that policy doesn't provide any

21 means for an employee to dispute or file a grievance

22 with regard to disciplinary action?

23          A           For a dispute or grievance with an outcome

24 of a disciplinary action that an associate would use

25 the open-door process?

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1 Q Well, I'm asking in this policy here, there  
2 is nothing within this policy that provides any type  
3 of grievance policy?

4 MS. INGLE: Objection, asked and answered.  
5 BY MR. VALOIS:

6 Q You can answer the question.

7 A The grievance policy is not addressed by  
8 this policy.

9 Q And it's not -- right. And that there is  
10 no union contract in place in these stores; is that  
11 correct?

12 A Not to my knowledge, sir.

13 Q Well, if Mr. Osborne were a a union  
14 employee, you would know that before you made a  
15 recommendation of termination as a human resources  
16 manager, wouldn't you?

17 MS. INGLE: Objection to relevance.

18 THE WITNESS: That's a hypothetical  
19 situation that I would only be able to walk through  
20 if I was actually in the situation.

21 BY MS. INGLE:

22 Q Well, do you deal with union employees at  
23 Wal-mart?

24 MS. INGLE: Objection to this line of  
25 questioning and whether they are unionized.

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1 BY MR. VALOIS:

2 Q You can answer.

3 MS. INGLE: It's irrelevant.

4 THE WITNESS: I would deal with union  
5 activity if there was union activity to occur.

6 BY MR. VALOIS:

7 Q Are there any union contracts in place at  
8 this store?

9 A No.

10 Q And so the open-door policy that you  
11 were -- to which you refer, that provides a means of  
12 filing a grievance?

13 A Correct, sir.

14 Q How does an employee avail him or herself  
15 of an open-door grievance procedure?

16 A During this time, because I do believe that  
17 the policy has -- some process and procedures have  
18 been updated, at this time the associate would bring  
19 their issue to their direct supervisor, and after  
20 speaking with their direct supervisor if they are not  
21 satisfied with the outcome, they may speak to the  
22 co-manager at that time as well, would review the  
23 situation, once again on not being satisfied, they  
24 would take it to the store manager. The store  
25 manager would review, and at that point they would be



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1 allowed to speak with the market level. And after  
2 the market level if they are still not satisfied,  
3 they would be allowed to speak with the associate  
4 relations group, who would review the entire  
5 situation and make a recommendation for the next  
6 steps.

7 Q And when employees are disciplined, are  
8 they notified of their rights under this open-door  
9 policy?

10 A It is posted in the store.

11 Q Where is it posted?

12 A It is going to be posted in the break rooms  
13 and in the associate resource center.

14 Q Now, with regard to policies in general, do  
15 employees have access to review these policies?

16 A Yes.

17 Q For example, the AP-09 policy we talked  
18 about earlier, if an employee wants to review that  
19 policy, how does that employee access that policy?

20 Q They would end up getting onto the Wal-mart  
21 internal communications group known as -- it's known  
22 as One Wal-Mart now. It might have been referred to  
23 as The Wire at that point. At that point you can  
24 either go in using the search bar, or if you know the  
25 manual way of getting to the paths of the policies,

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1 then you can research policies that way as well.

2 Q Okay. And to do that, do you have to be  
3 inside the store to do that?

4 A It depends on your level of accessibility.  
5 For instance, if you're an hourly associate, you need  
6 to be on the clock and be able to access things along  
7 those lines. If you are salary, you are able to  
8 access at any time.

9 Q So Corey Osborne was an hourly associate?

10 A Yes, sir.

11 Q As an hourly associate, he would need to be  
12 on the clock and be at the store to access this  
13 information?

14 A To my knowledge at that time, he would have  
15 needed to be. We're still with technology going  
16 through different things that if he was clocked in,  
17 he may have been able to use a BYOB device as well to  
18 look those up, but I can't be positive for that  
19 period of time.

20 Q All right. I'm going to get rid of this  
21 document and bring up another one; okay?

22 MS. INGLE: Paul, before we go to the next  
23 document, can we take just a brief five-minute break?

24 MR. VALOIS: Absolutely. We're off the  
25 record.

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1

2 (Recess, 11:35 a.m. to 11:40 a.m.)

3

4 BY MR. VALOIS:

5 Q All right. I'm going to share this  
6 document now. Mr. Harris, we're back on the record.  
7 Let's put this one up. Okay. Do you see this  
8 document?

9 A Yes, sir.

10 Q Do you recognize this document?

11 A Not necessarily, no.

12 Q Are you aware that the Wal-Mart policy  
13 AP-09 has subsections?

14 A Yes.

15 Q And are you aware of the -- that one of  
16 those subsections governs court appearances for  
17 Wal-Mart associates that are called to testify?

18 A I'm aware of it. I am not in detail with  
19 it, no, sir.

20 Q Have you ever seen that policy?

21 A Not that I recall.

22 Q Okay. Well, in that case, I'm not going  
23 to -- I'm going to go back and ignore this document.

24 Were you aware that Mr. Osborne had to  
25 testify in court as part of his duties as an asset

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1 protection officer for Wal-Mart?

2 A As an associate, yes.

3 Q Yes. And are you aware that since his  
4 termination, he's still being required to testify in  
5 those cases?

6 A I was not aware of any cases that he was  
7 still testifying for.

8 Q In your role as a -- when you were a human  
9 resources manager if you made a recommendation and  
10 later learned that the information upon which you  
11 made your recommendation was incorrect, what would  
12 you do?

13 A There is multiple outcomes of how that  
14 would occur.

15 Q Can you run through those multiple  
16 outcomes, the multiple possibilities, please?

17 A It would have to be very general, as I  
18 normally operate on making a decision on specifics.

19 So this is, like I said, a very wide  
20 hypothetical. If the information is absolutely  
21 incorrect, depending on the time lines in which  
22 somebody had been dismissed, because I receive open  
23 door for reviews sometimes for situations that are  
24 longer than -- it's been longer than 30 years in some  
25 cases. So, obviously, it may be a decision that

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1 might come back to allowing somebody to be rehired.

2 It may end up somebody being reinstated. It may be

3 somebody that may be reinstated with back pain,

4 depending on how severe the incorrect decision was

5 made and the impact to the associate or former

6 associate.

7 Q Who decides which of those outcomes apply?

8 Who ultimately makes that decision?

9 A Once again, it would kind of deal with how

10 large the scope or how incorrect the decisions were

11 made. That discussion can occur anywhere from --

12 between the store in the market level to market all

13 the way up to executive level if the situation is

14 severe enough.

15 Q Well, let's say -- again, I'm asking you a

16 hypothetical question here.

17 A Right.

18 Q But hypothetically if your decision -- if

19 you were to learn to your decision to terminate Corey

20 Osborne as an asset protection officer at the

21 Wal-mart on Wards Road was made because of false

22 information and you were to learn that, what outcome

23 would Corey Osborne be looking at receiving?

24 MS. INGLE: Objection, calls for

25 speculation.

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1 BY MR. VALOIS:

2 Q You can answer.

3 A Under this circumstance presently where we  
4 are at in the time line and everything, the first  
5 thing I would do would be to pair with legal.

6 Q All right. So you would escalate it?

7 A Yes, sir.

8 Q And take it above your pay grade  
9 effectively; is that correct?

10 A Yes, sir.

11 Q Mr. Harris, what I'm going to to do now, is  
12 I am going to -- I'm going to take another break, if  
13 it's okay with Ms. Ingle, for about 15 minutes to  
14 confer with my mom. I think I'm about done with my  
15 deposition, but if we could just -- if we could go  
16 off the record for about 15 minutes, I'm going to  
17 call her. And then when we come back, I may have a  
18 few more questions, but I anticipate we won't have  
19 anything lengthy.

20 MR. VALOIS: So we are off the record.

21 Thank you.

22

23 (Recess, 11:46 a.m. to 11:58 a.m.)

24

25 MR. VALOIS: All right. Mr. Harris, that's

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1 going to conclude my questions on direct examination.

2 I may come back on what is called redirect

3 examination if I have any further questions, but for

4 now, that's going to conclude my questions.

5

6 EXAMINATION BY COUNSEL FOR DEFENDANTS:

7 BY MS. INGLE:

8 Q Mr. Harris, I do have a question. Earlier,  
9 plaintiff's counsel asked you some questions about  
10 the number of employees sort of under your management  
11 and in your capacity as an HR manager, and you gave  
12 an estimated head count of 3,000 employees earlier?

13 A Yes.

14 Q But in the market are there people who  
15 perform HR functions at the store level?

16 A There are. We have human resources, and  
17 basically generalists at stores. At that time, they  
18 were the personnel coordinators. I do believe at  
19 this point, once again, they have been re-branded as  
20 well, where they are people leads. So they would be  
21 able to assist with if an associate had a general  
22 question. An associate not only would be able to  
23 contact their -- whenever any of the policies would,  
24 for instance, say "contact your People Partner" on  
25 this thing, the person to go to would be the people

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1 lead within the store, or they would also be able to  
2 contact their direct line of management. And their  
3 direct line of management if not able to answer the  
4 question, once it gets to the store manager, a store  
5 manager will sometimes contact me about -- you know,  
6 even general issues that are not easily able to be  
7 found or something that would be a rare circumstance.

8 Q Thank you.

9 And, Mr. Harris, do you know who Michael  
10 Berry is?

11 A Michael Berry is the current AP coach at  
12 the Bedford store. He was the APASM at the 1350  
13 Wards Road in Lynchburg that Mr. Osborne worked at at  
14 the time of his release.

15 Q So was Michael Berry the person that  
16 reported the incident to you that eventually led to  
17 Mr. Osborne's termination?

18 A Yes.

19 Q And is Michael Berry the person that  
20 investigated the incident at your direction?

21 A He is, yes.

22 MS. INGLE: I don't have any further  
23 questions Mr. Harris.

24 MR. VALOIS: I have no redirect.

25 Will Mr. Harris be reading and signing?



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1       **MS. INGLE: Yes, please.**

2

3       **AND FURTHER THIS DEPONENT SAITH NOT.**

4               **SIGNATURE RIGHTS RESERVED.**

5

6       **(Deposition concluded at 12:02 p.m.)**

7

8                       **\* \* \* \* \***

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2

**CHANGES REQUESTED TO THE DEPOSITION OF:**

3

**SETH HARRIS**

4

**TAKEN: December 13, 2021**

5

6

7

**PAGE/LINE:**

**DESCRIPTION**

8

9

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18

**DATE:** \_\_\_\_\_

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**SIGNATURE:** \_\_\_\_\_

20

21

**NOTARY PUBLIC:** \_\_\_\_\_

22

**MY COMMISSION EXPIRES:** \_\_\_\_\_

23

24

25

**REPORTED BY: TRACY W. KOSCHARA, COURT REPORTER**

*EVANS & COMPANY*  
434-239-2552

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Tracy W. Koschara, Court Reporter,  
3 Notary Public, eNotary in and for the Commonwealth of  
4 Virginia at Large, and whose commission expires May  
5 31, 2024, do certify that the aforementioned appeared  
6 before me, was sworn by me, and was thereupon  
7 examined by counsel; and that the foregoing is a  
8 true, correct, and full transcript of the testimony  
9 adduced.

10 I further certify that I am neither related  
11 to nor associated with any counsel or party to this  
12 proceeding, nor otherwise interested in the event  
13 thereof.

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and affixed my notarial seal this 20th day of  
16 December, 2021.

17  
18   
19

20 Tracy W. Koschara, Notary Public, eNotary  
21 Commonwealth of Virginia at Large  
22 NOTARY REGISTRATION NO. 193599  
23  
24  
25

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1

2

Evans & Company  
Post Office Box 11822  
Lynchburg, Virginia 24506-1822  
(434) 239-2552

4

5 December 20, 2021

6 G. Bethany Ingle, Esq.

7 Via email: GIngle@littler.com

8 Re: Deposition of SETH HARRIS

9

10 Dear Ms. Ingle:

11 You will find attached to this email a PDF copy  
12 of the deposition transcript of SETH HARRIS and  
13 signature page thereto. Please have Mr. Harris print  
14 the errata page of the transcript, which printed page  
15 will serve as the original signature page. After  
16 reviewing the transcript, the deponent should make  
17 any changes deemed necessary on the original errata  
18 page, noting page and line number of the change  
19 desired and a brief explanation of the reason for the  
20 change.

21 Within 30 days of receipt of this letter,  
22 forward the signed and notarized original signature  
23 page to Mr. Valois, as well as a copy to Evans &  
24 Company at the above address. Thank you for your  
25 prompt attention to this matter.

20 Kind Regards,

21

22 Tracy W. Koschara, Court Reporter  
23 tracy.koschara@gmail.com

23

24 cc: M. Paul Valois, Esq.

24

25

EVANS & COMPANY  
434-239-2552

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